THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 20385 of 2006

Date: 28.09.2006

Between:

T. Nageswara Rao, S/o Pitchaiah, Occ: Driver, E.353863, aged about 44 years, R/o H.No.16/488, Sharada High School Road, Beside Dabbala Krishna Tobacco Godown, Chilakaluripet, Guntur District.

….. Petitioner

And

APSRTC, rep. by its Regional Manager, Guntur Region, Guntur District and others.

….. Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

Writ Petition No. 20385 of 2006

Order:

The present writ petition is filed questioning the action of the respondents in not granting special grade/stagnation increment to the petitioner on completion of 12 years of total service from the date of his appointment.

When the matter is taken up for hearing today, it is submitted by the learned Standing Counsel for the respondents-Corporation and admitted to by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by the judgment of the Division Bench of this Court in W.A. No. 1861 of 2005, dated 07.10.2005.

The relevant portion of Judgment of this Court in W.A. No. 1861 of 2005 dated 07.10.2005 reads as under;

> "….as per the settlement arrived at, under Section 12(3) of the Industrial Disputes Act, 1947, between the employees union and the management, a circular has been issued vide PD-30/2005 dated 04.06.2005, wherein it is stated that the employees, who were denied their special grade on account of their transfer from one region to another, on request on loss of seniority, would be allowed special grades on completion of 12 years of service in the same category and their pay would be fixed notionally from the date of their eligibility and the monetary benefit consequent on fixation should be paid with effect from 01.04.2005. He submits that having regard to the said Circular,

> the direction issued by the learned single judge is not sustainable.
>
> Considering the submissions made on behalf of both the parties and also in view of the Circular already issued by the appellants-Corporation as aforesaid, it is needless to mention that the respondent also would be entitled to be treated on the same lines as contemplated there under, by making necessary payments with effect from 01.04.2005 and fixing the scale notionally from the date of his eligibility.
>
> Subject to above observation, the writ appeal is disposed of. There shall be no order as to costs."

The issue raised in the present writ petition is squarely covered by the order of the Division Bench in W.A. No. 1861 of 2005. Hence, following the above judgment, the present writ petition is disposed of directing the respondents to fix the scale of the petitioner notionally from the date of his eligibility and to make necessary payments with effect from 01.04.2005 in terms of Circular No.PD-30/2005, dated 04.06.2005. No costs.

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N.V.RAMANA, J.

Date: 28.09.2006
Nsr/lsl